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August 8, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street S.W.
Washington, D.C. 20554

Re: SBC-Ameritech OSS Plan of Record
CC Docket No. 98-141

Dear Ms. Salas:

Please include the attached joint letter from WorldCom, Inc., AT&T Corp., Birch Communications, CoreComm, Inc., Covad Communications Inc., McLeodUSA Telecommunications, Inc., RhythmsNet, Inc., and Sprint Corp. as part of the record in the above-referenced docket.

If you have any questions, please contact the undersigned at (202)887-2828.

Sincerely,



Lisa R. Youngers

cc: Carol Matthey
Anthony Dale
Chris Heimann, SBC
Glen Sirles, SBC

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

Ms. Dorothy Attwood
Chief, Common Carrier Bureau
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

Re: SBC/Ameritech Proposed Plans of Record to Implement Uniform and Enhanced
OSS filed on May 19, 2000 and Revision filed on July 17, 2000

Dear Ms. Attwood:

This letter is being submitted on behalf of the following CLECs who have participated in the SBC Uniform and Enhanced OSS Collaborative pursuant to the SBC/Ameritech Merger Order: AT&T Corp., Birch Communications, CoreComm, Inc., Covad Communications Inc., McLeodUSA Telecommunications, Inc., RhythmsNet, Inc., Sprint Corp., and WorldCom Inc. (the CLECs). We request that the Common Carrier Bureau ("the Bureau") immediately instruct SBC to implement the revised Plan of Record ("POR"), once it is finally submitted by SBC,¹ with the exception of the unilateral changes SBC made in violation of the merger conditions. Because SBC has already succeeded in substantially delaying implementation of uniform OSS interfaces, it is important that the Bureau order implementation (Phase III) to begin immediately.

¹ Incredibly, SBC has delayed the filing of the POR over the past several weeks. On June 30, SBC indicated it would need just a few days to "update" the POR and then submit it to the FCC. CLECs did not see this "revised" POR, however, until two weeks later on July 14. At that time, SBC indicated it would file the POR with the FCC the week of July 17. This did not occur. During a phone call with the CLECs on July 31, SBC confirmed that the POR had still not been filed with the FCC and that they would file the POR the first week of August. As of the date of this letter, SBC still has not filed the POR. This failure is itself a prime example of SBC's efforts to substantially delay implementation of uniform OSS interfaces by any means possible.

It is not necessary for purposes of this letter to recount the entire history of SBC's noncompliance and dilatory tactics, but some background on the negotiation process may be helpful to the Bureau. As you know, pursuant to paragraph 27 of the Merger Order conditions, SBC is obligated to provide industry standard, uniform application-to-application OSS interfaces across its region within 24 months of the merger closing date (in the 13 state SBC/Ameritech region and 30 months in the SNET region) (the "24 Month Commitment"). In order to comply with this mandate, SBC was also required to submit, within 150 days of closing, a POR containing "an overall assessment of SBC's and Ameritech's existing OSS interfaces, business processes and rules, hardware capabilities, data capabilities, and differences, and SBC/Ameritech's plan for developing and deploying uniform application-to-application interfaces and graphical user interfaces for OSS." Merger Condition 28(a).

The POR submitted by SBC on March 7, 2000 was woefully inadequate to serve this purpose, and caused the entire collaborative process and implementation phase to be delayed. Among other things, CLECs must wait until the implementation phase for information that SBC should have provided in the March 7 POR. For example, the POR contained no information and no analysis of where SBC's "existing businesses processes and rules" differ from (to quote the merger condition) the "standards and guidelines as defined, adopted and periodically updated by the Alliance for Telecommunications Industry Solutions ("ATIS") for OSS" for the pre-ordering, ordering, provisioning, maintenance/repair interfaces. That information will not be provided by SBC until the Implementation Phase III but is necessary for CLECs to determine whether what SBC is proposing will result in interfaces which comply with SBC's merger commitment.

Nor did the POR identify the changes needed in SBC's future systems in order to comply with ATIS. In collaborative negotiations, SBC representatives consistently claimed that CLECs did not necessarily "want" SBC to deliver fully compliant interfaces. However, nowhere in the POR does SBC identify the functionality that will not be provided in accordance with ATIS industry standards (or the negative effect of providing that functionality in compliance with industry standards) versus the functionality that would be provided in accordance with ATIS industry standards. SBC will not provide that information until Phase III as well. In short, the POR as drafted did not (and does not) contain the information and analysis necessary for CLECs to determine whether SBC would comply with its merger commitment to deploy systems compliant with the "standards and guidelines as defined, adopted and periodically updated by the [ATIS] for OSS" for the pre-ordering, ordering, provisioning, maintenance/repair interfaces. CLECs were essentially being asked to sign off on a vague outline of a systems plan pursuant to which SBC had unilateral power to fill in all of the blanks. Obviously, this slowed the process of completing the Phase II collaboratives.

In the collaborative phase, the parties reached agreement on a number of issues but remained far apart on others, including: delayed delivery of key OSS functionality, compliance with DSL requirements, the composition of the joint testing environment, the lack of an integrated pre-order/order GUI, and the provision of information

regarding SBC's retail operations which demonstrates that CLECs are being provided "non-discriminatory access to UNEs". For example, SBC refused to provide information on how it will comply with obligations to implement line sharing and how it will provide nondiscriminatory access to information necessary for competition in advanced services. When it became clear that further discussion on the unresolved issues would not lead to resolution, CLECs notified SBC and the Commission of that fact on May 26, 2000. Unfortunately, CLECs were then left with no viable option to both secure compliance with the merger conditions and avoid further delays in implementation of uniform interfaces. SBC had made clear that if the CLECs requested arbitration (before SBC's appointed arbitrator), SBC would further delay the implementation phase and seek an extension of the 24-month deadline. Our choice was to accept the functionality offered by SBC in September 2001 or choose arbitration and risk not obtaining even that functionality until an undetermined number of months beyond September 2001. Unfortunately, the latter option is not a gamble our businesses can take. In many respects (especially in the areas discussed above), implementation of SBC's proposed POR will not result in systems which comply fully with SBC's Section 251 obligations.

On June 30, 2000, the CLECs and SBC agreed on several changes to the May 19 POR – including changes needed to document agreed issues, open issues, and deferred issues. No dates in the May 19 POR were changed. Although CLECs do not agree with the SBC dates reflected in the May 19 POR, for the reasons stated above we concluded that arbitrating would only further delay implementation of uniform interfaces. Thus, at the conclusion of the June 30 meeting, the CLECs advised SBC that they would not be seeking arbitration in Phase II, would request the FCC to order SBC to immediately implement the revised POR and would address the other outstanding issues (like those discussed above) in other forums. All that remained was for SBC to update the POR to reflect the few issues addressed in the June 30 call. As discussed, SBC has instead delayed the filing of the POR with the FCC.

It became immediately clear that SBC had been counting on additional months of delayed implementation by forcing CLECs to arbitrate, as SBC engaged in additional bad faith tactics in an effort to derail the implementation process. After delaying for two weeks to prepare the simple updates to the POR reflecting the few issues discussed on June 30, SBC produced a revised POR that purported to unilaterally extend the dates for interim deliverables.² SBC revised the dates from the May 19 POR even though the

² The CLECs object to other unilateral changes made by SBC from the May 19 POR to the July 14 POR. For instance, the CLECs object to SBC's statement in its July 14 POR in the Implementation Phase Work Plan section (p. 79) that any "increased levels of functionality that would delay implementation of the POR" should allow SBC to request a new target date for completion of Phase 3. There was never any discussion of the inclusion of this statement with the CLECs on June 30 or at any time in the month of June. This statement is clearly intended to block CLEC requests for LSOG 5 functionality and will serve as an additional delay by SBC with respect to implementation.

dates had not been discussed in the June 30 meeting. Even more egregiously, in the July 14 POR revision SBC purports to have unilaterally extended the 24-month implementation deadline. SBC has taken this unlawful step in a desperate attempt to force CLECs to arbitrate and thus further delay the implementation phase.

SBC cannot, however, unilaterally change fixed, pre-established merger obligations. The 24-month deadline in paragraph 27 of the Merger Order is not an arbitrable issue, but a firm deadline – one SBC may also not extend by delaying its filing of the revised POR. Accordingly, the Bureau should put a stop to SBC's bad faith tactics and immediately order SBC to implement the July 14 revised POR while maintaining the delivery dates SBC itself insisted on in Table 28 of the May 19 POR.³ Prompt action by the Bureau is essential to avoid additional delays in implementation of uniform interfaces.

Although the CLECs have chosen not to arbitrate the Phase II issues, we reserve our right to seek any and all available relief at law, including enforcement actions against SBC for violating the Merger Order and its section 251 obligations. The CLECs also restate their earlier position from the May 19 POR that CLECs reserve the right to assert that nothing in this POR has any preclusive affect on any standards, guidelines,

³ In addition, there are many remaining unresolved DSL issues that should be held in abeyance until the Bureau releases its decision on the outstanding issues in the Advanced Services POR proceeding. Once that determination is released, CLECs will be able to notify SBC and the Commission whether there are any DSL-related issues to be arbitrated.

timelines or activities established on a state by state basis. SBC chose to unilaterally remove this reservation of rights by the CLECs in its July 14 POR.

Please do not hesitate to contact us if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Lisa R. Youngers". The signature is written in a cursive, flowing style.

Lisa R. Youngers
WorldCom, Inc.

On behalf of:

AT&T Corp.
Birch Communications
CoreComm, Inc.
Covad Communications Inc.
McLeodUSA Telecommunications,
RhythmsNet, Inc.,
Sprint Corp.

cc: Carol Matthey, FCC
Tony Dale, FCC
Chris Heimann, SBC
Glen Sirles, SBC